

# Notice of Allowability

Application No.

10/643,781

Examiner

Lynda M. Salvatore

Applicant(s)

SCHONEBECK, HORST

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/29/06.
2. ☒ The allowed claim(s) is/are 1 and 4-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 6/29/06 have been fully considered and entered. Claims 1,4,6 and 11 have been amended, claims 2-3 have been canceled and new claim 23 has been added. Applicant's cancellation of claim 2 renders moot the prior art rejection set forth in section 3 of the last Office Action. Applicant's amendment to claim 1 is found sufficient to overcome the rejection of claims 1,6, 13 and 16-21 rejected under 35 U.S.C. 102(b) as being anticipated by Volland et al., US 4,618,532, claims 11,12,14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Volland et al., US 4,618,532 as applied to claim 1 and further in view of O'Brien et al., WO 01/26932 A1, claims 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Volland et al., US 4,618,532 as applied to claim 1 and further in view of Pelzer et al., US 6,010,870, and claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volland et al., US 4,618,532 as applied to claim 1 and further in view of Marcovecchio, US 2002/0176980 A1 as set forth in sections 3-9 of the last Office Action. Specifically, Applicant incorporated the subject matter of claim 3, which was previously indicated as allowable in section 10 of the last Office Action. As such, these rejections are hereby withdrawn.

With specific regard to claim 22, it appears the Examiner erred in the last Office Action and failed to indicate claim 22 as also allowable. As such, Applicant is correct to assume that claim 22 does not stand rejected under any prior art in the last Office Action. Accordingly claims 1 and 4-23 are found allowable for reasons set forth herein below.

*Allowable Subject Matter*

2. The following is an examiner's statement of reasons for allowance: Claims 1 and 4-23

With regard to claim 1, the prior art made of record fails to teach or fairly suggest the interior lining set forth. Specifically, the prior art fails to teach the limitation of providing a soft intermediate layer of cellular material disposed between the decorative layer and the barrier layer.

With regard to claim 22, the prior art made of record fails to teach or fairly suggest the interior lining set forth. Specifically, the prior art fails to teach the limitation of at least one spacer having an open cellular structure attached to the foam backing during the back foaming process.

An updated art search did not produce any substantial new art for which to base a rejection and presently no motivation exists to combine references to form an obviousness type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 14, 2006  
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